



January 28, 2005

HOUSE BILL No. 1141

DIGEST OF HB 1141 (Updated January 26, 2005 2:45 pm - DI 69)

Citations Affected: IC 33-33; noncode.

Synopsis: Courts in Montgomery County. Establishes the Montgomery superior court No. 2 and abolishes the Montgomery county court. Transfers cases pending in the Montgomery county court to the Montgomery superior court No. 2. Provides that the judge of the Montgomery county court serves as the initial judge of Montgomery superior court No. 2. (The introduced version of this bill was prepared by the commission on courts.)

Effective: July 1, 2005.

Brown T, Thompson, Kuzman

January 6, 2005, read first time and referred to Committee on Courts and Criminal Code.
January 27, 2005, amended, reported — Do Pass.

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HB 1141—LS 6660/DI 69+



January 28, 2005

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

HOUSE BILL No. 1141

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 33-33-54-2 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) There ~~is~~ **are**
3 established ~~a court~~ **two (2) courts** of record to be known as the:

4 (1) Montgomery superior court **No. 1**; and

5 (2) **Montgomery superior court No. 2.**

6 (b) ~~The~~ **Each** Montgomery superior court is a standard superior
7 court as described in IC 33-29-1.

8 (c) Montgomery County comprises the judicial district of ~~the~~ **each**
9 court.

10 SECTION 2. IC 33-33-54-3 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. ~~The~~ **Each** court has
12 one (1) judge who shall hold sessions in:

13 (1) the Montgomery County courthouse in Crawfordsville; or

14 (2) other places in the county as the Montgomery County
15 executive may provide.

16 SECTION 3. IC 33-33-54-4 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. ~~The~~ **Each**

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1 Montgomery superior court has the same jurisdiction as the
2 Montgomery circuit court.

3 SECTION 4. IC 33-33-54-5 IS ADDED TO THE INDIANA CODE
4 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
5 1, 2005]: **Sec. 5. Beginning January 1, 2006, each Montgomery
6 superior court has a standard small claims and misdemeanor
7 division.**

8 SECTION 5. [EFFECTIVE JULY 1, 2005] (a) **Notwithstanding
9 the amendment of IC 33-33-54 by this act, the Montgomery
10 superior court No. 2 is not established until January 1, 2006.**

11 (b) **As of January 1, 2006, the Montgomery county court is
12 abolished.**

13 (c) **Any case pending in the Montgomery county court after the
14 close of business on December 31, 2005, is transferred on January
15 1, 2006, to the Montgomery superior court No. 2 established by
16 IC 33-33-54-2, as amended by this act. All cases transferred under
17 this SECTION that are eligible to be heard by the standard small
18 claims and misdemeanor division, established by IC 33-33-54-5, as
19 added by this act, shall be transferred to the standard small claims
20 and misdemeanor division of the Montgomery superior court No.
21 2 in accordance with the venue requirements prescribed in Rule 75
22 of the Indiana Rules of Trial Procedure. A case transferred under
23 this SECTION shall be treated as if the case were filed in the
24 Montgomery superior court No. 2.**

25 (d) **On January 1, 2006, all property and obligations of the
26 Montgomery county court become the property and obligations of
27 the Montgomery superior court No. 2.**

28 (e) **The initial judge of the Montgomery superior court No. 2
29 established by IC 33-33-54-2, as amended by this act, shall be the
30 person who is the Montgomery county court judge on December
31 31, 2005. The term of the initial judge of the Montgomery superior
32 court No. 2 begins January 1, 2006, and ends December 31, 2008.
33 The initial election of a judge for the Montgomery superior court
34 No. 2, established by IC 33-33-54-2, as amended by this act, is the
35 general election on November 4, 2008. The term of the initial
36 elected judge of the Montgomery superior court No. 2 begins
37 January 1, 2009.**

38 (f) **This SECTION expires January 2, 2009.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1141, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 32, delete "2006." and insert "**2008.**".

Page 2, line 35, delete "7, 2006." and insert "**4, 2008.**".

Page 2, line 37, delete "2007." and insert "**2009.**".

Page 2, line 38, delete "2007." and insert "**2009.**".

and when so amended that said bill do pass.

(Reference is to HB 1141 as introduced.)

ULMER, Chair

Committee Vote: yeas 10, nays 0.

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